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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/326,405	06/04/1999	DAVE B. LUNDAHL	363-01	4135
27479	7590	10/02/2003	EXAMINER	
THE LAW OFFICES OF WILLIAM W. COCHRAN, LLC 3555 STANFORD ROAD SUITE 230 FORT COLLINS, CO 80525			TRAN A, PHI DIEU N	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 10/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/326,405

Applicant(s)

LUNDAHL, DAVE B.

Examiner

Phi D A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 11-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-13, 15-18, 20-23, 25-28, 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kehne (2713896) in view of Lazarek (3753458).

Kehne (figures 1-4) shows an operable window system having a removable screen (col 3 lines 17-20) having a fixed frame (26, figure 4) for holding a window, a moving sash (9, 16) connected to the fixed frame and operable to substantially swing about an axis with respect to the fixed frame from an open position to a closed position, a removable screen (28) directly connected to the fixed frame, the screen mounted between the fixed frame and the moving sash such that the moving sash is in contact with the screen (figure 3 shows the sash touching the screen) when the sash is in the closed position, the axis being substantially vertical/horizontal (direction not defined yet by the claim), the portion of the moving sash in contact with the screen being the frame portion of the moving sash.

Kehne does not show the screen being attached to the frame by hook and loop fastener, the screen not having a substantially rigid peripheral frame.

Lazarek shows a screen (30) being attached to a fixed frame with hook and loop fasteners to enable easy and quick mounting/dismounting of the screen from the frame, the screen not having a substantially rigid peripheral frame to enable easy fitting of the screen frame around a window frame.

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It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kehne to show the screen being attached to the frame by hook and loop fastener, the screen not having a substantially rigid peripheral frame because it would enable easy and quick mounting/dismounting of the screen from the frame and easy fitting of the screen frame around a window frame as taught by Lazarek.

Per claims 21-23, 25, 32-33, Kehne as modified by Lazarek shows all the claimed limitations. The claimed method steps would have been the obvious method steps of manufacturing Kehne's modified window system.

3. Claims 14, 19, 24, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kehne (2713896) in view of Lazarek (3753458) as applied to claims 11, 16, 21, 26 above and further in view of Jones et al (5365707).

Kehne as modified shows all the claimed limitations except for the window system being non-rectangular.

Jones et al shows rectangular and non-rectangular window openings with screen covering (figure 3).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kehne's modified structure to show the window system being non-rectangular because it is well-known expedient in the art to have window system of non-rectangular shape to cover non-rectangular openings as shown by Jones et al.

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***Response to Arguments***

4. Applicant's arguments with respect to claims 11-33 have been considered but are moot in view of the new ground(s) of rejection.

5. The declaration under 37 CFR 1.132 filed 7/15/03 is insufficient to overcome the rejection of claims 11-33 based upon Kehne in view of Lazarek as set forth in this Office action because: the combination of the references teach the claimed limitations.

***Conclusion***

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different rotating window with screens.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Phi Dieu Tran A  
September 30, 2003

PA

LANNA MAI  
SUPERVISORY PATENT EXAMINER  
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Lanna Mai